

**THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,
INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING
ON THURSDAY, MAY 18, 2006.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:30 pm. The meeting opened with the Lord's Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Ms. Crump, Mr. Blevins, Mr. Messer, Mr. Seabrook, and President Jeff Gahan.

OTHERS: City Attorney Shane Gibson and City Clerk Marcey Wisman.

ALSO: John Rosenbarger, Adam Dickey, Scott Wood, Planning and Zoning, Brian Dixon, EMC, Paul Wheatley, Economic Development Director, Tony Toran, Director of City Operations and Mayor James E. Garner, Sr.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Schmidt moved to approve the minutes of May 1, 2006, Mr. Price second, all voted in favor.

COMMUNICATIONS – PUBLIC:

David Huckleberry, addressed the board regarding the issues that are facing the council and the city such as storm drainage fees, take home cars, Scribner Place bids being higher than expected, the redistricting lawsuit and the School Board voting against the showing of council meetings and how Insight presented it to the council as a public access channel when the contract was being considered. He also went over several accounts payable for the Parks Department.

Betty Nolot, 5150 Daisy Lane, addressed the Bridgewater Project and stated that even though they have cut down on the number of residences there will still be a traffic problem on Daisy Lane.

Robert Holman, 2605 Daisy Lane, he stated that he has property on 1609 Charlestown Road with a personal garage on it that he is being billed as a commercial property for the Stormwater fee but they have it listed in the assessors office as residential.

Chad McCormick, explained that these mistakes have been common when this billing starts. He explained that these mistakes will be straightened out and that someone from his office was in the Sewer Billing office today working on these problems.

Terri Hickerson, addressed the board regarding the Bridgewater Project. She stated that there was a meeting held with the developers and the neighbors and they were told of several changes that are being made but they still do not feel that the changes are enough to make them agree with this project. She stated that they feel that they should wait until the changes are made to Daisy Lane before this project is approved.

Doris Smith, gave a prepared statement of the many traffic dangers and accidents that have occurred on Daisy Lane due to the narrowness of the street.

Jack Kehoe, Daisy lane, addressed the board regarding his opposition to the Bridgewater Project.

Bernie Nolot, addressed the council regarding his opposition to the Bridgewater Project. He stated that his house has been hit three times and he has replaced his mailbox 25 times. He stated that Daisy Lane has been there for 75 years and it is still just a "wagon trail". He also stated that he has been told several times that this property could never have an entrance from Daisy Lane.

Herman Thomas, Kent Drive, addressed the council regarding his opposition to the Bridgewater Project and the difficulties of turning left onto Daisy Lane from Schell Lane.

Roy Stiby, Kent Drive, addressed the council regarding his opposition to the Bridgewater Project and the traffic problems there are on Daisy Lane. He also addressed the drainage problems that they have from the water running off of Daisy Lane and asked what will happen when they add this complex on top of the hill. He presented pictures to the council showing the drainage problem that he has in his backyard.

Scott Adams, Daisy Lane Developers, introduced his team and stated that they were here to answer the council's questions. He stated that they did have a meeting with the neighbors and discussed changes that they were willing to make to their original plan. The memo with the changes are on file with the City Clerk's office.

Scott Burch, 2508 Schell Lane, addressed the council regarding the Bridgewater Project and the article written by the Tribune supporting this project. He stated that when he first bought his house he felt safe on Schell Lane walking his children to Community Park but since Wal-Mart went in he no longer felt safe because of the added traffic and he believes that the project will make it even worse.

David Hagman, addressed the council regarding the Bridgewater Project and his opposition. He stated that he did attend the meeting but that he does not believe that the changes will correct the issues that he is concerned about on Schell Lane.

Scott Thomas, developer from New Albany, spoke in favor of the Bridgewater project and to the need of affordable housing within the city.

Yvonne Kersey, Main Street, addressed the council regarding R-06-13 giving money to the neighborhood associations and she believes that the money should be put into a dilapidated building fund rather than to the neighborhood associations. She asked if the council is planning to take any action on the 2004 Audit.

Mr. Coffey stated that he has suggested that a complete audit be done on several occasions.

Mrs. Kersey also suggested that some of the TIF districts be discontinued so that this money can go back into the general fund. She also stated that she does not believe that the sewers can handle the Daisy Lane project. She also informed the council that on March 12 there were 26 over-flows with a 1.5 inch rain.

James Wiggins, asked when they would do something to stop take home cars for the City Employees. He stated that some of these people make good money and should be able to afford their own car.

Mr. Messer informed the Mr. Wiggins that the council does not set policy for the administrations they only set their budgets.

Laura Oates, 2408 E. Market, addressed the board regarding concerns she has with the stormwater board and fee and she urged them not to vote on the increase to the rate until they get answers from the administration on the problems they are currently having and where the money will be going. She also discussed the problems with the sewer rate increase and believes that nothing should be done until they get complete information on where the sewer utility stands.

COMMUNICATIONS – CITY OFFICIALS:

John Rosenbarger, stated that the FY2006 plan is in line with the Five year plan. He also asked for them to consider having three votes on the Stemler PUD. He also discussed the schedule for the Daisy Lane reconstruction and stated that they are working on setting up a neighborhood meeting to inform the neighbors of the project plans.

Mr. Price asked Mr. Rosenbarger about the issue of whether or not another developer has been told that they can not build on the property where the Bridgewater Project is going in or that they could not have an entrance onto Daisy Lane.

Mr. Rosenbarger stated that he does not recall this happening in the past.

Mr. Coffey asked Mr. Rosenbarger how they could do the construction on Daisy Lane and Mt. Tabor at the same time. He was concerned about the safety issues it would cause to have both of these roads closed at the same time.

Mr. Rosenbarger explained that the work would be phased so that there would always be a way through for emergency vehicles.

Mr. Schmidt presented the council with information that he received at the 2006 Annual Budget Workshop and explained the information. Said written statement and information is on file with the City Clerk's office.

Mr. Coffey commended the council members for not allowing Mr. Rosenbarger to use their workshop to push the Bridgewater project. He also stated that the council needs to seriously consider having an audit.

SEWER BOARD REPORT:

Mr. Fifer reported that they should have received the March and April information on the Sewer Utility and that there should be a separate line item showing which funds are for drainage. He informed the board that the sewer board would be having an executive session next Tuesday at 4:30 p.m. and that they would like to meet with the council at 5:00 or whenever it is best for them to discuss the Umbaugh report.

There was a lengthy discussion regarding what the city pays EMC and what that covers. They also discussed the situation with the boom truck that was purchased and never used.

Mrs. Garry stated that the drainage and sanitation does not come out of the sewer utility funds.

COMMUNICATIONS – MAYOR:

APPOINTMENTS:

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

Mr. Coffey made a motion to moved reading bill Z-06-12 (Daisy Lane Project) prior to R-06-11, Mr. Price second, all voted in favor.

Z-06-12 Ordinance Amending the Code of Ordinances of New
Albany, Indiana Title XV, Chapter 156 (Docket
P-08-06: Daisy Lane Developers, Inc.)

Mrs. Crump introduced Z-06-12 and motioned for the first reading by title only, Mr. Coffey second,

Mr. Scott Adams addressed the board and stated that he and his team are here to answer any questions they may have. He gave a written statement explaining that Brigewater Project will be 138 high quality condos that will bring in substantial amounts in tax dollars. He stated that the main concern for Bridgewater is the condition of Daisy Lane and Schell Lane and which he agrees needs to be improved. He gave an over-view of the development as well as what the developers are offering to the city such as free easement for sidewalks, will build and pay for 800 feet of sidewalk along Daisy Lane, turn lanes

into the development and paying for a traffic light if needed. He asked David Reed QK4 engineering to address the Council regard the traffic study.

Mr. Reed presented a council with a four page traffic comparison Senior Adult Housing traffic information, and an email from the city's own traffic engineer agreeing with their traffic assumptions. Said hand-out is on file with the City Clerk's office.

There was a lengthy discussion regarding the traffic comparison and the number of trips generated by an Adult Housing development compared to a Single-family development.

Mr. Adams added that the original plan came to this council with an 8-0 vote from the Plan Commission and they have been willing to compromise and reduce there numbers, they will phase the project build to coincide with the Daisy Lane reconstruction, they will limit access from Bridgepoint to Wolfe Trace for emergency vehicles. He asked them to look at Bridgepoint on its merits to the City.

Mrs. Crump asked Mr. Adams if he threatened the neighbors that they would throw up vinyl siding houses if this doesn't go through.

Mr. Adams stated that he did not make a threat he merely pointed out that he could build 40 – 50 small homes without any stipulations from the Plan Commission.

Mr. Coffey stated that he thinks that he has a beautiful project and his main concern is not the traffic, but his main issue is with the impact of his project on the sewer system.

There was a lengthy discussion regarding the impact this project will have on the sewer system and how the developers will have to get a certified letter from an engineering stating that the sewer lines that this project will be connected to has the capacity to support this project without over-flows.

Mr. Schuler addressed the board and discussed their reasoning for why they feel there is a need to market senior housing and why this location is ideal for the same.

Mr. Messer stated that he was disappointed that Mr. Adams did not offer to help financially with the cost of repairing Daisy Lane and Schell Lane.

Mrs. Crump called for the vote. Mrs. Crump and Mr. Gahan voted aye; Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Mr. Blevins Mr. Messer and Mr. Seabrook voted nay.

R-06-11	Resolution Concerning Statement of Benefits for Samtec, Inc., By the Common Council of the City of New Albany	Schmidt
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Mr. Schmidt introduced R-06-11 and motioned for the reading by title only, Mr. Coffey second, all voted in favor.

R-06-12	Resolution Concerning Statement of Benefits for L & D Mail Masters, Inc., By the Common Council of the City of New Albany	Blevins
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Mr. Blevins introduced R-06-12 and motioned for the reading by title only, Mr. Seabrook second, all voted in favor.

Mr. Kochert moved for a 5 minute recess at 10:11 p.m., Mr. Crump second, all voted in favor.

Mr. Gahan called the meeting back to order at 10:18 p.m.

R-06-13	Resolution of the Common Council of the City of New Albany to Adopt and Authorize Submission	Messer
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Mr. Messer introduced R-06-13 and motioned for the reading by title only, Mrs. Crump second,

Mr. Price moved to amend Item 15 by cutting the \$10,000.00 and put it in Item 5 for dilapidated house fund to increase it to \$35,000, Mr. Kochert second.

Mr. Rosenbarger explained that this money pays for tuition for seminars by Neighbor works.

There was a lengthy discussion regarding how the money in the five year plan is used.

The amendment was approved with Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Mrs. Crump, Mr. Blevins and Mr. Gahan voting aye; and Mr. Messer and Mr. Seabrook voting nay.

Mr. Messer called for the voted with the amendment; all voted in favor.

R-06-14 Establishment of Parks Department Change Funds Coffey

Mr. Koehler explained that these are for change funds at the swimming pool and new sports complex concession stands.

Mr. Coffey introduced R-06-14 and motioned for the reading by title only, Mr. Seabrook second, all voted in favor.

A-06-03 An Ordinance to Amend Ordinance A-05-46 Setting Kochert 1
Salaries for the Year 2006 for Non-Bargaining Unit
Employees

Mr. Kochert introduced A-06-03 and motioned for the first reading by title only, Mr. Coffey second, all voted in favor.

G-06-13 New Albany-Floyd County Department of Parks and Price 1
Recreation Ordinance Regulating the Use of City
Non-Reverting Operating Fund

Mr. Price introduced G-06-13 and motioned for the first reading by title only, Mr. Kochert second,

Mr. Coffey asked for an explanation.

Mr. Koehler stated that he has looked through the books for the original ordinance setting up their non-reverting fund and he could not find it. He has been instructed by State Board of accounts to write a new ordinance and add the new sports complex and the pool.

all voted in favor.

G-06-14 Amendment to Ordinance to Revise Chapter 56 of City Kochert 1
Of New Albany Code

Mr. Kochert introduced G-06-14 and motioned for the first reading by title only, Mr. Coffey second,

There was a lengthy discussion regarding the council's understanding that the \$2.00 fee would be for a year and why it needs to increase to \$3.17.

Mr. Messer motioned to amend the ordinance so that the effective is June 1, Mrs. Crump second, all voted in favor.

Mr. Kochert called for the vote. Mr. Coffey, Mr. Kochert, Mr. Messer, Mr. Seabrook and Mr. Gahan voted aye; Mr. Schmidt, Mr. Price, Mrs. Crump and Mr. Blevins voted nay.

Z-06-13	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV, Chapter 156 (Docket P-10-06: KM Stemler Developers, LLC)	Crump 1
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Mrs. Crump introduced Z-06-13 and motioned for the first reading by title only, Mr. Seabrook second, Z-06-16

Mr. Kraft addressed the council and explained the project which is a medical building next to the rehab center on Blackiston Mill Road. He requested that they suspend the rules to have all three readings because this should have been on the last meetings agenda but it did not make it to the Clerk's Office on time.

Mr. Coffey made a motion to suspend the rules for all three reading, Mr. Blevins, all voted in favor.

Mrs. Crump called for the vote; all voted in favor. Bill Z-06-13 became Ordinance Z-06-16.

G-06-07	An Ordinance Establishing the New Albany Storm water Drainage Board Pursuant to Authority Granted by IC 36-9-23, Et Seq.	Seabrook 2&3
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Mr. Seabrook tabled Bill G-06-07 due to amendments that were requested at the previous meeting not being made.

G-06-12	Ordinance to Allow Payments to City Departments By Credit Card.	Blevins 2&3
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Mr. Blevins introduced G-06-12 and motioned for the second and third readings by title only, Mr. Coffey second, all voted in favor. Bill G-06-12 became Ordinance G-06-17.

Mr. Gahan discussed the need for the council to hold an executive session to discuss threatened lawsuits.

There was a lengthy discussion as to who would be included in the meeting.

There being no further business before the board, the meeting adjourned at 11:04 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
Marcey J. Wisman, City Clerk